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Attorney for Plaintiff Gregory Bender

Attorneys for Defendant Maxim
Integrated Products, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

Gregory Bender,

Plaintiff,

v.

Maxim Integrated Products, Inc.,

Defendant.

Case No. C09-01152-SI

**STIPULATION AND [PROPOSED]
ORDER TO RESCHEDULE MOTION
HEARING**

Pursuant to Civil L.R. 7-7(b), Defendant Maxim Integrated Products, Inc., (“Defendant”) and Plaintiff Gregory Bender (“Plaintiff”), through their respective counsel, hereby stipulate to reschedule the hearing date for Defendant’s Motion For Sanction Of Dismissal, currently scheduled for July 9, 2010 at 9 a.m., to July 30, 2010 at 9 a.m.

WHEREAS, on June 18, 2010, Plaintiff filed his Memorandum In Opposition To Motion For Sanctions together with supporting declarations of Sergio Franco, Ph.D., Kenneth Pedrotti, Ph.D, and Plaintiff Gregory Bender. (Docket Nos. 60-63.)

WHEREAS, Defendant believes that deposing declarant Sergio Franco, Ph.D., will provide evidence that is relevant to the Court’s consideration of Dr. Franco’s declaration, and has served Plaintiff with a notice of deposition of Dr. Franco.

WHEREAS, Plaintiff has not yet been able to provide Dr. Franco’s availability for deposition.

1 WHEREAS, the parties believe that the Defendant's reply brief and the hearing on
2 Defendant's Motion for Sanction of Dismissal should be delayed by three weeks to allow time for
3 the deposition of Dr. Franco.

4 THE PARTIES HEREBY SUBMIT THIS STIPULATION THAT:

5 The Court hearing date for Defendant's Motion For Sanction of Dismissal be rescheduled
6 from July 9, 2010 at 9 a.m. to July 30, 2010 at 9 a.m.

Respectfully submitted,

Dated: June 24, 2010

Jones Day

By: /s/ Gregory Lippetz

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Counsel for Defendant Maxim Integrated
Products, Inc.

In accordance with General Order No. 45, Section X(B), the above signatory attests that
concurrence in the filing of this document has been obtained from the signatory below.

Dated: June 24, 2010

By: /s/ David Kuhn

David N. Kuhn
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Counsel for Plaintiff Gregory Bender

The case management conference shall be held at 3 p.m.

PURSUANT TO STIPULATION, IT IS SO ORDERED:

DATED: _____, 2010

By: 

THE HON. SUSAN ILLSTON
United States District Court Judge

SVI-82301v1